

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ANTHONY W.,

No. 6:21-CV-00735-HZ

Plaintiff,

ORDER

v.

COMMISSIONER, SOCIAL  
SECURITY ADMINISTRATION,

Defendant.

HERNÁNDEZ, District Judge:

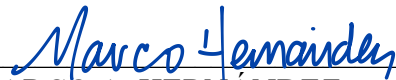
Plaintiff ANTHONY W. brought this action seeking review of the Commissioner's final decision to deny Disability Insurance Benefits. On April 17, 2022, pursuant to the parties' stipulated motion, the Court reversed the Commissioner's decision and ordered that the case be remanded for additional proceedings. Order, ECF 17. Judgment was also entered on April 21, 2022. ECF 21. On November 6, 2023, Plaintiff's counsel received notice of Plaintiff's award for benefits. Pl. Mot. Ex. 5, ECF 24-4.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Pl. Mot., ECF 27. Defendant neither supports nor opposes the request. Def. Resp., ECF 29. The Court has reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds the requested fees reasonable.

The Court GRANTS the motion [27] and awards Plaintiff's counsel \$19,136.25 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney's fees in the amount of \$7,667.18 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. Upon payment of the § 406(b) fees, Plaintiff's counsel will refund any EAJA fees received by counsel to Plaintiff. Any amount withheld after all administrative and court attorney's fees are paid should be released to the claimant.

IT IS SO ORDERED.

DATED: November 28, 2023.

  
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MARCO A. HERNÁNDEZ  
United States District Judge